

2164



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walker et al.

Application No.: 09/632,295

Filed: August 3, 2000

For: INSTANT CREDIT CARD  
MARKETING SYSTEM

Customer No. 22927

) Group Art Unit: 2164

)

) Examiner: R. Weisberger  
) (703) 308-4408 /voice  
) (703) 746-7239 /fax  
)) **ELECTION & RESPONSE**) **To the Office Action**) **Mailed November 20, 2001 (Paper No. 5)**

)

) Attorney Docket No.: 96-200-C1  
) **(PLEASE NOTE New Docket Number)**  
)) Walker Digital Corporation  
) Five High Ridge Park  
) Stamford, CT 06905-1326  
) (203) 461-7292 /voice  
) (203) 461-7300 /fax

RECEIVED

FEB 06 2002

Technology Center 2100

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: 01/21/2001 By:

Veronika S. Leliever

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Requirement for Election/Restriction in the Office Action mailed November 20, 2001 (Paper No. 5), entry of the following amendment and consideration of the following remarks are respectfully requested.

**A M E N D M E N T****IN THE CLAIMS:**

Please **CANCEL** Claims **35-59** and **61-69** (formerly Claims 72-80) without prejudice.

**R E M A R K S****Incorrect Numbering of Claims**

In a preliminary amendment filed August 3, 2000 with the present application, Applicants stated that prior to entry of the preliminary amendment, Claims 1-71 were pending. This was not correct; only Claims **1-60** were pending prior to entry of the preliminary amendment. The preliminary amendment purported to cancel Claims **1-34** and **61-71**. Clearly, the cancellation of Claims **61-71** is moot, as they were not pending.

Unfortunately, the preliminary amendment also added nine new claims. These claims were incorrectly numbered as Claims 72-80. The new claims should have been numbered as Claims **61-69**. For convenience, any reference herein to Claims **61-69** will include a reference to the (incorrect) claim numbers as stated in the preliminary amendment of August 3, 2000.

In light of the above, prior to entry of this amendment:

- Claims **35-60** and **61-69** (formerly 72-80) were pending in the present application

Upon entry of this amendment, which is respectfully requested for the reasons set forth below:

- Claim **60** will be pending
- Claims **35-59** and **61-69** (formerly 72-80) will be cancelled
- Claim **60** will be the only independent claims

**Election/Restriction Requirement**

In order to comply with the Examiner's restriction requirement, Applicants have elected Claim **60**, which the Examiner has designated as Invention XV.

Applicants have cancelled Claims **35-59** and **61-69** (formerly 72-80) without prejudice. Applicants plan to pursue the subject matter of Claims **35-59** and **61-69** (formerly 72-80) in a continuing application.

At this time, Applicants plan to file an additional paper adding additional claims consonant with this election.

### Conclusion

The Examiner's early examination and consideration are respectfully requested.

At this time, Applicants plan to file an additional paper adding additional claims consonant with this election. If there remains any question regarding the present application, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.


### Petition for Extension of Time to Respond

Applicants hereby petition for a one-month extension of time with which to respond to the Office Action. Please charge \$110.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an additional extension of time is required, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

January 21, 2002  
Date

  
\_\_\_\_\_  
Michael Downs  
Attorney for Applicants  
Registration No. P-50,252  
mdowns@walkerdigital.com  
Walker Digital Corporation  
Five High Ridge Park  
Stamford, CT 06905-1326  
(203) 461-7292 /voice  
(203) 461-7300 /fax

02/05/2002 HGBREH1 00000061 500271 09632295  
01 FC:115 110.00 CH